

ORDINANCE NO. 15-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of utility and drainage easement; that the applicant has represented to the City of Huntsville that **Freedom Real Estate and Capital, LLC**, is the owner of the property across which said easement lies; that said easement, or portions being vacated, is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
 :
MADISON COUNTY)

This instrument prepared by:
Benjamin W. Hutton
Bradley Arant Boult Cummings LLP
200 Clinton Avenue West, Suite 900
Huntsville, Alabama 35801
(256) 517-5100

The following information is offered in lieu of submitting an RT-1 Real Estate Sales Validation Form pursuant to Section 40-22-1 of the Code of Alabama (1975):

Grantor's name and mailing address:

City of Huntsville, Alabama
308 Fountain Circle, P.O. Box 308
Huntsville, Alabama 35801

Grantee's name and mailing address:

Freedom Real Estate and Capital, LLC
4035 Chris Drive
Huntsville, Alabama 35802

Property address: 4035 Chris Drive and 4090 South Memorial Parkway, Huntsville, AL 35802

Date of sale: Dated of even date herewith

Purchase price: N/A

The purchase price or actual value claimed in this instrument can be verified in the following documentary evidence:
☐ Bill of Sale ☐ Sales Contract ☐ Closing Statement ☐ Appraisal ☒ Other

QUITCLAIM DEED FOR VACATION OF EASEMENT

WHEREAS, the **City of Huntsville, Alabama** (the "Grantor") is the holder of perimeter utility and drainage easements as shown in Plat Book 21, Page 11, recorded in the Office of the Judge of Probate of Madison County, Alabama, the relevant portion of which is more particularly described on Exhibit A attached hereto (the "Easement Property"); and

WHEREAS, the Grantor has agreed to vacate the Easement Property and to convey all of its right, title and interest in and to the Easement Property to **Freedom Real Estate and Capital, LLC**, an Alabama limited liability company (the "Grantee").

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS, that the Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, does hereby remise, release, and forever quitclaim to the Grantee, all its right, title, interest and claim in and to the Easement Property.

Grantor attests, to the best of its knowledge and belief, that the information submitted in the legend at the beginning of this Deed in lieu of the RT-1 Real Estate Sales Validation Form is true and accurate, and Grantor understands that any false statements contained in such information may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1(h).

TO HAVE AND TO HOLD the Easement Property unto the Grantee forever.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on or as of the 8th day of October, 2015.

CITY OF HUNTSVILLE, ALABAMA

By: _____
Tommy Battle, Mayor

Attest: _____
Charles Hagood, Clerk Treasurer

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer, respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day the same bears day.

Given under my hand and official seal this the 8th day of October, 2015.

Notary Public

[NOTARIAL SEAL]

My commission expires: _____

EXHIBIT A

Property Description

STATE OF ALABAMA
MADISON COUNTY

UTILITY AND DRAINAGE EASEMENT "A" TO BE VACATED

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 WEST, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA AND BEING A PORTION OF A 10 FOOT WIDE UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOTS 1 AND 2 OF THE FINAL PLAT OF NICHOLS COMMERCIAL PARK AS RECORDED IN PLAT BOOK 21, PAGE 11 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH CAPPED IRON PIN (SMITH) MARKING THE NORTHWEST CORNER OF SAID LOT 1 AND LYING ON THE EAST RIGHT-OF-WAY MARGIN OF CHRIS DRIVE (50 FOOT RIGHT-OF-WAY), AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1520795.89 AND EAST: 432040.03; THENCE SOUTH 87 DEGREES 11 MINUTES 51 SECONDS EAST, 10.00 TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING NORTH 2 DEGREES 51 MINUTES 38 SECONDS EAST, 5.00 FEET TO A POINT; THENCE SOUTH 87 DEGREES 11 MINUTES 51 SECONDS EAST, 80.99 FEET TO A POINT; THENCE SOUTH 2 DEGREES 48 MINUTES 09 SECONDS WEST, 5.00 FEET TO A POINT; THENCE SOUTH 13 DEGREES 57 MINUTES 33 SECONDS EAST, 5.22 FEET TO A POINT; THENCE NORTH 87 DEGREES 11 MINUTES 51 SECONDS WEST, 82.51 FEET TO A POINT; THENCE NORTH 2 DEGREES 50 MINUTES 38 SECONDS EAST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (814 SQUARE FEET) MORE OR LESS.

UTILITY AND DRAINAGE EASEMENT "B" TO BE VACATED

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 WEST, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA AND BEING A PORTION OF A 10 FOOT WIDE UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOTS 1 AND 2 OF THE FINAL PLAT OF NICHOLS COMMERCIAL PARK AS RECORDED IN PLAT BOOK 21, PAGE 11 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH REBAR MARKING THE SOUTHEAST CORNER OF SAID LOT 1 AND LYING ON THE NORTH RIGHT-OF-WAY MARGIN OF NICHOLS DRIVE (50 FOOT RIGHT-OF-WAY), AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1520728.25 AND EAST: 432487.14; THENCE NORTH 14 DEGREES 53 MINUTES 07 SECONDS WEST, 10.18 TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 203.09, AN ARC LENGTH OF 10.13 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 84 DEGREES 16 MINUTES 45 SECONDS WEST, 10.13 FEET TO A POINT; THENCE NORTH 14 DEGREES 52 MINUTES 39 SECONDS WEST, 217.31 FEET TO A POINT; THENCE SOUTH 69 DEGREES 53 MINUTES 33 SECONDS WEST, 120.00 FEET TO A POINT; THENCE SOUTH 14 DEGREES 48 MINUTES 43 SECONDS EAST, 114.68 FEET TO A POINT; THENCE SOUTH 78 DEGREES 45 MINUTES 42 SECONDS WEST, 205.99 FEET TO A POINT; THENCE NORTH 2 DEGREES 32 MINUTES 48 SECONDS EAST, 23.25 FEET TO A POINT; THENCE SOUTH 13 DEGREES 57 MINUTES 33 SECONDS EAST, 10.92 FEET TO A POINT; THENCE SOUTH 87 DEGREES 11 MINUTES 51 SECONDS EAST, 6.90 FEET TO A POINT; THENCE NORTH 78 DEGREES 45 MINUTES 42 SECONDS EAST, 182.59 FEET TO A POINT; THENCE

NORTH 14 DEGREES 48 MINUTES 43 SECONDS WEST, 113.15 FEET TO A POINT; THENCE NORTH 69 DEGREES 53 MINUTES 33 SECONDS EAST, 130.04 FEET TO A POINT; THENCE NORTH 14 DEGREES 52 MINUTES 39 SECONDS WEST, 53.55 FEET TO A POINT; THENCE NORTH 87 DEGREES 08 MINUTES 56 SECONDS WEST, 324.07 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 140.00 FEET, AN ARC LENGTH OF 0.67 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 31 DEGREES 39 MINUTES 48 SECONDS EAST, 0.67 FEET TO A POINT; THENCE NORTH 31 DEGREES 34 MINUTES 09 SECONDS EAST, 5.23 FEET TO A POINT; THENCE NORTH 31 DEGREES 50 MINUTES 45 SECONDS EAST, 5.52 FEET TO A POINT LYING ON THE NORTH BOUNDARY OF SAID LOT 2 AND LYING SOUTH 87 DEGREES 08 MINUTES 56 SECONDS EAST, 11.43 FEET FROM A 5/8-INCH CAPPED IRON PIN (SMITH) MARKING THE NORTHWEST CORNER OF SAID LOT 2; THENCE, ALONG THE NORTH BOUNDARY OF SAID LOT 2, SOUTH 87 DEGREES 08 MINUTES 56 SECONDS EAST, 325.86 FEET TO A 5/8-INCH IRON PIN MARKING THE NORTHEAST CORNER OF SAID LOT 2; THENCE ALONG THE EAST BOUNDARY OF SAID LOTS 1 AND 2, SOUTH 14 DEGREES 52 MINUTES 39 SECONDS EAST, 289.81 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.24 ACRES, MORE OR LESS.

Ordinance No. 15-_____ (Cont.)
Freedom Real Estate and Capital, LLC

ADOPTED this the 8th day of October, 2015.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 8th day of October, 2015.

Mayor of the City of
Huntsville, Alabama